IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 511 of 2007

STATE OF RAJ.
V/S
LRS OF PRAKASH CHAND MEHTA & ORS.

Mr. OP BOOB, AGA, for the appellant / petitioner

Date of Order : 17.5.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

This petition has been filed seeking to challenge the order Annex.3 dated 23.3.2006. This was an order passed on a reference, purportedly made under Section 18 of the Land Acquisition Act, and it has been decided that the compensation has already been assessed, and it has been directed that the claimant is entitled to get the amount. Thus, in substance, the matter has been decided under Section 30 of the Land Acquisition Act, and such decision is appealable to this Court under Section 54, which appeal lies within a period of 90 days. The order was passed on 23.3.2006, even the certified copy was applied on 11.8.2006 and was received on 19.8.2006, and the writ petition has been filed on 10.10.2006. In my view, it appears that since the limitation for filing appeal had already expired, the writ petition has been filed. However, in view of the fact, that the order Annex.3 was appealable within 90 days, the

writ cannot be entertain, and I am not inclined to entertain it either.

It was sought to be argued that escheat proceedings are pending before the Collector, and therefore, the award could not be made.

Suffice it to say that Collector himself was a party in the reference proceedings, and from perusal of Annex.3, I do not find anything to show that it was pointed out to the learned Court below that any escheat proceedings are pending. Thus, even on merits, I do not find any force in the writ petition. The same is, therefore, dismissed summarily.

(N P GUPTA),J.

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